

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROD EDDIE, PAULA EDDIE and McCLINTOCK REALTY, INC.,

Plaintiffs,

-against-

SCOTTSDALE INSURANCE COMPANY,

Defendant

Docket No. : 07-CV-3457  
(WP4) (MDF) (KMK)

**NOTICE OF CROSS-MOTION**

PLEASE TAKE NOTICE, that upon the annexed Memorandum of Law dated April 22, 2008, Rule 56.1 Counterstatement of Facts dated April 22, 2008, Affidavit of Eli B. Basch dated April 22, 2008, and all exhibits annexed thereto, as well as upon all proceedings had herein, the Plaintiffs, Rod Eddie, Paula Eddie and McClintock Realty, Inc., will move this Court before the Honorable Kenneth M. Karas, at the United States District Court for the Southern District of New York located at 300 Quarropas Street, White Plains, New York 10601, Chambers 533, on a date and at a time designated by the Court, for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting summary judgment to the Plaintiffs on the grounds that the Defendant breached the terms of the insurance contract by failing and refusing to pay for the Plaintiffs' property damage incurred due to a fire loss, together with such other and further relief as this Court deems just and proper.

Dated: April 22, 2008  
Kingston, New York



ELI B. BASCH (EB8921)  
BASCH & KEEGAN, LLP  
Attorneys for Plaintiffs  
307 Clinton Avenue  
P.O. Box 4235  
Kingston, New York 12402  
(845) 338-8884

cc: TRAUB, LIEBERMAN, STRAUS & SHREWSBERRY, LLP  
Attorneys for Defendant  
Mid Westchester Executive Park  
Seven Skyline Drive  
Hawthorne, New York 10532  
(914) 347-2600